

**Draft Summary of Cultural Resources Work Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
May 22, 2001**

The Department of Water Resources (DWR) hosted the Cultural Resources Work Group meeting on May 22, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

Introduction

Attendees were welcomed to the Cultural Resources Work Group meeting. The Cultural Resources Work Group Meeting agenda and a list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip chart notes are included as Attachment 3.

Action Items – April 17, 2001 Cultural Resources Work Group Meeting

A summary of the April 17, 2001 Cultural Resources Work Group meeting is posted on the project web site. The Facilitator reviewed the status of action items from the April 17, 2001 Cultural Resources Work Group meeting as follows:

Action Item #C5: DWR to determine what reports have been done and what is incomplete regarding existing collections.

Status: Dale Hoffman-Floerke from the DWR reported that about two-thirds of the collections from the Oroville facilities construction have been documented. As part of the relicensing effort, Section 106 would require that a complete report regarding the status of artifacts and remains removed from the site would be prepared. That information will be reported back to the Cultural Resources Work Group when available.

Action Item #C6: Evaluate options for repatriation of stored physical remains and artifacts.

Status: Ward Tabor from DWR suggested that the Cultural Resources Work Group develop a sub-group, independent of the relicensing effort to help flesh out an approach to repatriating artifacts and remains removed from the Oroville Facilities site. He added that the sub-group be tasked to answer the following:

1. How do you file an application?
2. What happens when you file?
3. Where will the remains be interred once they are returned?

Ward suggested that an appropriate first meeting should include the recognized Tribes, DWR and DPR. The participants could then develop a strategy for dealing with repatriation and the inclusion of other tribal representatives. Ward volunteered to contact the recognized Tribes and set up the meeting.

Action Item #C7: Initiate preliminary discussions with Bob Thorne regarding strategies for in place protection of cultural sites.

Status: Dale Hoffman-Floerke reported that DPR and DWR were working together to develop a task order authorizing Bob Thorne to make a site visit and develop recommendations regarding the protection of cultural resources in the project area. The results of Mr. Thorne's assessment will be reported back to the Cultural Resources Work Group at a future meeting. Bruce Steidl suggested that local Native Americans would be interested in participating in any activities (construction or otherwise) associated with Thorne's recommendations. DWR agreed that local Tribal involvement would be sought.

- Leslie Steidl from DPR reported that there were two convictions recently for vandalizing cultural sites within the Oroville Facilities.
- Action Item #C8:** Regarding actions that could be taken prior to the issuance of the new license: review the current license for cultural resources provisions.
- Status:** Ron Corso from the consultant team reported that due to the age of the document, there are no provisions specific to cultural resources in the current license. He noted that FERC developed Article 60 (adopted by DWR into its existing license in 1980) to address some general land use issues (that could include cultural issues) and avoid bureaucratic delays. Article 60 allows for a number of local actions within the FERC boundary. He also noted it is FERC's preference to have local issues, including the protection of cultural resources, handled locally.
- Action Item #C9:** Check on the DWR compliance record as it pertains to cultural resources.
- Status:** DWR staff and FERC reviewed the record of the existing license regarding cultural resources, and determined that DWR is in compliance with their existing license.
- Action Item #C10:** Provide copies of 36 CFR 800.
- Status:** The Cultural Resources Work Group received a Section 106 definition, the 106 regulations, and A Citizens Guide to Section 106 Review. The handouts are appended to the meeting summary as Attachments 4, 5, and 6 respectively.
- Action Item #C11:** Provide revisions to Issue Statements and draft Resource Goals for distribution and review at the next Cultural Resources Work Group meeting.
- Status:** A review of the revised Issue Statements and draft Resource Goals is part of this agenda.

Area of Potential Effects (APE)

Steve Heipel from DWR distributed a definition for the Area of Potential Effects (APE), and a map showing the proposed FERC boundary for the relicensing of the Oroville Facilities. The definition of the APE is appended to this summary as Attachment 7. A copy of the proposed FERC boundary map is part of the Initial Information Package, and can be viewed at the relicensing web site. Steve mentioned that the existing license boundary, the APE, and the boundary proposed under the relicensing process are the same. He added that if any group develops a plan that extends the boundary then that would be part of the new APE.

He emphasized that FERC generally starts with the FERC boundary when determining the APE (which typically includes the reservoir and other important facilities lands). The APE can extend beyond the FERC boundary, but there must be compelling evidence that project operations are affecting resources outside the boundary. He added that defining the APE is a federal responsibility but, as FERC typically allows, the responsibility for identifying the Oroville Facilities Project APE has been passed on to DWR and the State Historic Preservation Office.

- Bruce Steidl of Mooretown Rancheria asked who would be funding any studies regarding cultural resources during the relicensing process. Bruce stated that it was unlikely that DPR had the resources to execute the anticipated studies. He added that a thorough survey of the area was in order, and that paid tribal consultants be used as often as feasible. The group discussed the need or desire to perform a complete survey of all property within the FERC boundary. Some participants fear that the identification of new cultural resources will make them vulnerable to vandalism or theft. The Cultural Resources Work Group agreed that enough time should be allowed for studies to be completed. DWR staff confirmed that even if the studies are not completed by the license application date, the Cultural Resources Management Plan (CRMP) will identify how the studies will be done and funded.
- The Cultural Resources Work Group discussed the potential for expanding the APE in response to issues raised by other Work Groups or in response to identified project impacts outside the existing FERC boundary. DWR staff responded that any impacts had to be the result of facilities operations (including recreation improvements). Cultural Resources Work Group participants agreed to review the current FERC boundary and provide recommended changes at the next Cultural Resources Work Group meeting.

- The Cultural Resources Work Group adopted the current APE (FERC boundary) as the proposed APE for developing cultural resources studies. The Cultural Resources Work Group will periodically review the APE to make sure that it meets current study needs.

State Historic Preservation Office

The Cultural Resources Work Group agreed to continue this item to the next meeting so that more time could be spent on Issue Statements and Sheets. The Cultural Resources Work Group agreed that they would like to consider items on their agenda by priority in the future so larger discussions aren't delayed until late in the meeting.

Review Issue Statements

The Facilitator reviewed the revised Issue Statements with the Cultural Resources Work Group. She indicated that the revised statements were the result of comments made by participants at the last Cultural Resources Work Group meeting. She added that several new issues had been submitted by participants and had been added to the matrix and related to existing Issue Statements. She advised the group that issues can continue to be submitted by participants to Dale Hoffman-Floerke for inclusion in Scoping Document I.

- The Cultural Resources Work Group discussed variations in Issue Statement format between Work Groups. The Facilitator responded that the Plenary Group may decide to initiate a Task Force to provide consistency in statement format or they may decide to leave them the way the Work Groups crafted them.
- The Cultural Resources Work Group agreed to recommend the revised Issue Statements to the Plenary Group for approval and inclusion in Scoping Document I.

Introduction to Issue Sheet Development and Further Identification of Issues

The Cultural Resources Work Group received draft Preliminary Issue Sheets developed by the consulting team. The Preliminary Issue Sheet included draft descriptions of the geographic scope and resource goals for each Issue Statement. The Facilitator provided a brief overview of the elements of an Issue Sheet and how Issue Sheet development fit with other Work Group activities (scoping document preparation, and study plan development). She emphasized that the Issue Sheets are working documents for the Cultural Resources Work Group to use while crafting study plans. The more clearly the Issue sheets reflect the Cultural Resources Work Group's collective intent with regard to each Issue Statement, the more precise and focused the Study Plans can be.

- The Cultural Resources Work Group discussed what constituted a resource goal, and how they related to the Issue Statements. Participants expressed frustration in the lack of consistent formatting among the Issue Statements, and that it was often difficult to differentiate between a resource goal and an Issue Statement.
- The Cultural Resources Work Group confirmed their earlier agreement to use the existing FERC boundary as the APE for the purpose of developing the draft Issue Sheets. The Cultural Resources Work Group agreed to review the draft Issue Sheets for discussion at their next meeting. The Cultural Resources Work Group agreed to submit any proposed revisions to Dale Hoffman-Floerke by June 15. The consultants will collate and DWR staff will distribute submitted comments to the Cultural Resources Work Group prior to the next meeting.

Other Issues

- The Cultural Resources Work Group discussed studies that may benefit from being initiated prior to the completion of the study plans. These studies would deal specifically with issues pertaining to the anticipated Fall low water levels this year. The Cultural Resources Work Group agreed that a Task Force should be initiated to focus on the issue of early studies. The consultants offered to draft a list of potential studies for Task Force review, revision and approval. The Task Force will report to the Cultural Resources Work Group at the next meeting. Task Force members are
 - JD Smith – Berry Creek Rancheria

- Lorraine Frazier – Mooretown Rancheria
- Bruce Steidl -- Mooretown Rancheria
- Rosalie Bertram or Rick – Enterprise Rancheria
- Rod Clements – Mechoopda
- Lawana Watson
- Mike Pierce – Butte County
- Consulting Team
- Kevin McCormick -- Forest Service
- Dale Hoffman-Floerke – DWR
- Eric Ritter – BLM
- Leslie Steidl -- DPR

Next Steps

The Facilitator explained that the consultants and DWR were interested in identifying how Native Americans could become involved and compensated for involvement in cultural resources activities associated with the relicensing effort. The consultants suggested they could prepare a list of opportunities with brief descriptions for consideration at the next meeting. Then, the Tribal representatives could take that information back to Tribal Councils and determine level of interest within each group.

Bruce Steidl of Mooretown Rancheria agreed that compensated involvement in the cultural resources process for Native Americans was desired. He suggested that each Tribe could determine what interested existed in the community to participate. The Cultural Resources Work Group agreed that this item should be on the agenda for the next Cultural Resources Work Group meeting.

Next Meeting

The Cultural Resources Work Group agreed to meet again:

Date: Tuesday, June 26
 Time: 5:00 to 9:00 p.m.
 Location: To be announced.

The Cultural Resource Work Group meeting adjourned at 10:00 p.m.

Agreements Made

1. The Cultural Resources Work Group agreed to review the existing APE (FERC boundary) and provide recommended changes, with justifications, at the next meeting.
2. The Cultural Resources Work Group agreed to set the APE to the current FERC boundary for developing cultural resource issue sheets.
3. The Cultural Resources Work Group agreed to continue the discussion of the State Historic Preservation Office to the next meeting.
4. The Cultural Resources Work Group agreed to prioritize agenda items with significant items moved to early in the meeting.
5. The Cultural Resource Work Group agreed to recommend the revised Issue Statements to the Plenary Group for their approval and inclusion in Scoping Document I.
6. The Cultural Resources Work Group agreed to review the draft Issue Sheets for discussion at the next meeting. Comments to be transmitted to Dale Hoffman-Floerke by June 15.
7. The Cultural Resources Work Group agreed to initiate a Task Force to identify early studies focusing on drawdown issues.
8. The Cultural Resources Work Group agreed to meet again on June 26, 2001 from 5 to 9 p.m., location to be determined.

Action Items

The following list of action items identified by the Cultural Resources Work Group includes a description of the action, the participant responsible for the action, and due date.

Action Item #C12: Provide information on Native American community opportunities for involvement and paid participation.

Responsible: Consulting Team

Due Date: June 26, 2001

Action Item #C13: Presentation regarding State Historic Preservation Office roles and responsibilities

Responsible: Consulting Team

Due Date: June 26, 2001

Action Item #C14: Distribute to the Cultural Resources Work Group revised draft Issue Sheets for review at the next meeting.

Responsible: DWR Staff

Due Date: June 19, 2001

Action Item #C15: Update from Early Studies Task Force.

Responsible: Task Force

Due Date: June 26, 2001

Items continued from April meeting:

Action Item #C5: DWR to determine what reports have been done and what is incomplete regarding existing collections.

Responsible: DWR staff

Due Date: periodic updates and consultation with DPR

Action Item #C7: Initiate preliminary discussions with Bob Thorne regarding strategies for in place protection of cultural sites.

Responsible: DWR and DPR staff

Due Date: on-going